

**SUBSTITUTE FOR  
HOUSE BILL NO. 4234**

A bill to amend 1976 PA 388, entitled  
"Michigan campaign finance act,"  
by amending sections 4, 6, 11, 54, 55, and 57 (MCL 169.204,  
169.206, 169.211, 169.254, 169.255, and 169.257), sections 4, 6,  
54, and 55 as amended by 2019 PA 93, section 11 as amended by 2017  
PA 119, and section 57 as amended by 2015 PA 269.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) "Contribution" means a payment, gift,  
2       subscription, assessment, expenditure, contract, payment for  
3       services, dues, advance, forbearance, loan, or donation of money or  
4       anything of ascertainable monetary value, or a transfer of anything  
5       of ascertainable monetary value to a person, made for the purpose  
6       of influencing the nomination or election of a candidate, for the

1 qualification, passage, or defeat of a ballot question, or for the  
2 qualification of a new political party.

3 (2) Contribution includes the full purchase price of tickets  
4 or payment of an attendance fee for events such as dinners,  
5 luncheons, rallies, testimonials, and other fund-raising events; an  
6 individual's own money or property other than the individual's  
7 homestead used on behalf of that individual's candidacy; the  
8 granting of discounts or rebates not available to the general  
9 public; or the granting of discounts or rebates by broadcast media  
10 and newspapers not extended on an equal basis to all candidates for  
11 the same office; and the endorsing or guaranteeing of a loan for  
12 the amount the endorser or guarantor is liable. Except for the  
13 purposes of section 57, contribution does not include a  
14 contribution to a federal candidate or a federal committee.

15 (3) Contribution does not include any of the following:

16 (a) Volunteer personal services provided without compensation,  
17 or payments of costs incurred of less than \$500.00 in a calendar  
18 year by an individual for personal travel expenses if the costs are  
19 voluntarily incurred without any understanding or agreement that  
20 the costs shall be, directly or indirectly, repaid.

21 (b) Food and beverages, not to exceed \$1,000.00 in value  
22 during a calendar year, that are donated by an individual and for  
23 which reimbursement is not given.

24 (c) An offer or tender of a contribution if expressly and  
25 unconditionally rejected, returned, or refunded in whole or in part  
26 within 30 business days after receipt.

27 (d) A contribution or expenditure for the establishment or  
28 administration of, or solicitation, collection, or transfer of  
29 contributions to, a separate segregated fund, **including through a**

1 **payroll deduction plan**, or for mailing or shipping of an item or  
2 prize purchased under section 55(8). ~~7, if that contribution or~~  
3 ~~expenditure was made by a connected organization of that separate~~  
4 ~~segregated fund as authorized under section 55.~~

5 (e) An independent expenditure.

6 Sec. 6. (1) "Expenditure" means a payment, donation, loan, or  
7 promise of payment of money or anything of ascertainable monetary  
8 value for goods, materials, services, or facilities in assistance  
9 of, or in opposition to, the nomination or election of a candidate,  
10 the qualification, passage, or defeat of a ballot question, or the  
11 qualification of a new political party. Expenditure includes, but  
12 is not limited to, any of the following:

13 (a) A contribution or a transfer of anything of ascertainable  
14 monetary value for purposes of influencing the nomination or  
15 election of a candidate, the qualification, passage, or defeat of a  
16 ballot question, or the qualification of a new political party.

17 (b) Except as provided in subsection (2)(f) or (g), an  
18 expenditure for voter registration or get-out-the-vote activities  
19 made by a person who sponsors or finances the activity or who is  
20 identified by name with the activity.

21 (c) Except as provided in subsection (2)(f) or (g), an  
22 expenditure made for poll watchers, challengers, distribution of  
23 election day literature, canvassing of voters to get out the vote,  
24 or transporting voters to the polls.

25 ~~(d) Except as provided in subsection (2)(e), the cost of~~  
26 ~~establishing and administering a payroll deduction plan to collect~~  
27 ~~and deliver a contribution to a committee.~~

28 (2) Expenditure does not include any of the following:

29 (a) An expenditure for communication by a person with the

1 person's paid members or shareholders and those individuals who can  
2 be solicited for contributions to a separate segregated fund under  
3 section 55.

4 (b) An expenditure for communication on a subject or issue if  
5 the communication does not support or oppose a ballot question or  
6 candidate by name or clear inference.

7 (c) An expenditure for the establishment or administration of,  
8 or solicitation, collection, or transfer of contributions to, a  
9 separate segregated fund, **including through a payroll deduction**  
10 **plan**, or for mailing or shipping of an item or prize purchased  
11 under section 55(8). ~~, if that expenditure was made by a connected~~  
12 ~~organization of that separate segregated fund as authorized under~~  
13 ~~section 55.~~

14 (d) An expenditure by a broadcasting station, newspaper,  
15 magazine, or other periodical or publication for a news story,  
16 commentary, or editorial in support of or opposition to a candidate  
17 for elective office or a ballot question in the regular course of  
18 publication or broadcasting.

19 (e) An offer or tender of an expenditure if expressly and  
20 unconditionally rejected or returned.

21 (f) An expenditure for nonpartisan voter registration or  
22 nonpartisan get-out-the-vote activities made by an organization  
23 that is exempt from federal income tax under section 501(c)(3) of  
24 the internal revenue code, 26 USC 501, or any successor statute.

25 (g) An expenditure for nonpartisan voter registration or  
26 nonpartisan get-out-the-vote activities performed under chapter  
27 XXIII of the Michigan election law, 1954 PA 116, MCL 168.491 to  
28 168.523a, by the secretary of state and other registration  
29 officials who are identified by name with the activity.

1 (h) An expenditure by a state central committee of a political  
2 party or a person controlled by a state central committee of a  
3 political party for the construction, purchase, or renovation of 1  
4 or more office facilities in Ingham County if the facility is not  
5 constructed, purchased, or renovated for the purpose of influencing  
6 the election of a candidate in a particular election. Items  
7 excluded from the definition of expenditure under this subdivision  
8 include expenditures approved in Federal Election Commission  
9 advisory opinions 1993-9, 2001-1, and 2001-12 as allowable  
10 expenditures under the federal election campaign act of 1971, 52  
11 USC 30101 to 30146, and regulations promulgated under that act,  
12 regardless of whether those advisory opinions have been superseded.

13 (i) Except only for the purposes of section 57, an expenditure  
14 to or for a federal candidate or a federal committee.

15 (j) Except only for the purposes of section 47, an expenditure  
16 for a communication if the communication does not in express terms  
17 advocate the election or defeat of a clearly identified candidate  
18 so as to restrict the application of this act to communications  
19 containing express words of advocacy of election or defeat, such as  
20 "vote for", "elect", "support", "cast your ballot for", "Smith for  
21 governor", "vote against", "defeat", or "reject".

22 Sec. 11. (1) "Payroll deduction plan" means any system in  
23 which an employer, **including, but not limited to, a public body,**  
24 deducts any amount of money from the wages, earnings, or  
25 compensation of an employee.

26 (2) "Person" means a business, individual, proprietorship,  
27 limited liability company, firm, partnership, joint venture,  
28 syndicate, business trust, labor organization, company,  
29 corporation, association, committee, or any other organization or

1 group of persons acting jointly.

2 (3) "Political committee" means a committee that is not a  
3 candidate committee, political party committee, house or senate  
4 political party caucus committee, independent committee,  
5 independent expenditure committee, or ballot question committee.

6 (4) "Political merchandise" means goods such as bumper  
7 stickers, pins, hats, beverages, literature, or other items sold by  
8 a person at a fund raiser or to the general public for publicity or  
9 for the purpose of raising funds to be used in supporting or  
10 opposing a candidate for nomination for or election to an elective  
11 office, in supporting or opposing the qualification, passage, or  
12 defeat of a ballot question, or in supporting or opposing the  
13 qualification of a new political party.

14 (5) "Political party" means a political party that has a right  
15 under law to have the names of its candidates listed on the ballot  
16 in a general election.

17 (6) "Political party committee" means a state central,  
18 district, or county committee of a political party or a party  
19 attempting to qualify as a new political party under section 685 of  
20 the Michigan election law, 1954 PA 116, MCL 168.685, that is a  
21 committee. Each state central committee shall designate the  
22 official party county and district committees. There must not be  
23 more than 1 officially designated political party committee per  
24 county and per congressional district.

25 (7) "Public body" means 1 or more of the following:

26 (a) A state agency, department, division, bureau, board,  
27 commission, council, authority, or other body in the executive  
28 branch of state government.

29 (b) The legislature or an agency, board, commission, or

1 council in the legislative branch of state government.

2 (c) A county, city, township, village, intercounty, intercity,  
3 or regional governing body; a council, school district, special  
4 district, or municipal corporation; or a board, department,  
5 commission, or council or an agency of a board, department,  
6 commission, or council.

7 (d) Any other body that is created by state or local authority  
8 or is primarily funded by or through state or local authority, if  
9 the body exercises governmental or proprietary authority or  
10 performs a governmental or proprietary function.

11 Sec. 54. (1) Except as otherwise provided in this section and  
12 section 55, and except with respect to loans made in the ordinary  
13 course of business, a corporation, joint stock company, domestic  
14 dependent sovereign, or labor organization shall not make a  
15 contribution or expenditure or provide volunteer personal services  
16 that are excluded from the definition of a contribution under  
17 section 4(3)(a).

18 (2) An officer, director, stockholder, attorney, agent, or any  
19 other person acting for a labor organization, a domestic dependent  
20 sovereign, or a corporation or joint stock company, whether  
21 incorporated under the laws of this or any other state or foreign  
22 country, except corporations formed for political purposes, shall  
23 not make a contribution or expenditure or provide volunteer  
24 personal services that are excluded from the definition of a  
25 contribution under section 4(3)(a).

26 ~~(3) Except for expenditures made by a corporation in the~~  
27 ~~ordinary course of its business, an expenditure made by a~~  
28 ~~corporation to provide for the collection and transfer of~~  
29 ~~contributions to a separate segregated fund for which it is not a~~

1 ~~connected organization as provided in section 55 constitutes an in-~~  
2 ~~kind contribution by the corporation and is prohibited under this~~  
3 ~~section. Advanced payment or reimbursement to a corporation by a~~  
4 ~~nonconnected separate segregated fund does not cure a use of~~  
5 ~~corporate resources otherwise prohibited by this section.~~

6 (3) ~~(4)~~ A corporation, joint stock company, domestic dependent  
7 sovereign, or labor organization may make a contribution to a  
8 ballot question committee or independent expenditure committee  
9 subject to this act. A corporation, joint stock company, domestic  
10 dependent sovereign, or labor organization may make an independent  
11 expenditure in any amount advocating for the election or defeat of  
12 a candidate, or the qualification, passage, or defeat of a ballot  
13 question and does not for this reason become a committee, unless it  
14 solicits or receives contributions in excess of \$500.00 for the  
15 purpose of making the independent expenditure, but is subject to  
16 the independent expenditure reporting requirements ~~of~~ **under** section  
17 51.

18 (4) ~~(5)~~ A person ~~who~~ **that** knowingly violates this section is  
19 guilty of a felony punishable, if the person is an individual, by a  
20 ~~fine of not more than \$5,000.00 or imprisonment for not more than 3~~  
21 **years or a fine of not more than \$5,000.00**, or both, or, if the  
22 person is not an individual, by a fine of not more than \$10,000.00.

23 Sec. 55. (1) A connected organization may make an expenditure  
24 for the establishment or administration of, and solicitation,  
25 collection, or transfer of contributions to, a separate segregated  
26 fund to be used for political purposes. A connected organization  
27 may also pay actual costs related to mailing or shipping of an item  
28 or prize purchased under subsection (8). A separate segregated fund  
29 established by a connected organization under this section must be



1 organized as a political committee or an independent committee,  
2 and, in addition to any other disbursements not restricted or  
3 prohibited by law, must only make contributions to, and  
4 expenditures on behalf of, candidate committees, ballot question  
5 committees, political party committees, political committees,  
6 independent expenditure committees, independent committees, and  
7 other separate segregated funds.

8 (2) Contributions for a separate segregated fund established  
9 by a corporation, organized on a for profit basis, or a joint stock  
10 company under this section may be solicited from any of the  
11 following persons or their spouses:

12 (a) Stockholders of the corporation or company.

13 (b) Officers and directors of the corporation or company.

14 (c) Employees of the corporation or company who have policy  
15 making, managerial, professional, supervisory, or administrative  
16 nonclerical responsibilities.

17 (3) Contributions for a separate segregated fund established  
18 under this section by a corporation organized on a nonprofit basis  
19 may be solicited from any of the following persons or their  
20 spouses:

21 (a) Members of the corporation who are individuals.

22 (b) Stockholders or members of members of the corporation.

23 (c) Officers or directors of members of the corporation.

24 (d) Employees of the members of the corporation who have  
25 policy making, managerial, professional, supervisory, or  
26 administrative nonclerical responsibilities.

27 (e) Employees of the corporation who have policy making,  
28 managerial, professional, supervisory, or administrative  
29 nonclerical responsibilities.

1 (4) Contributions for a separate segregated fund established  
2 under this section by a labor organization may be solicited from  
3 any of the following persons or their spouses:

4 (a) Members of the labor organization who are individuals.

5 (b) Officers or directors of the labor organization.

6 (c) Employees of the labor organization who have policy  
7 making, managerial, professional, supervisory, or administrative  
8 nonclerical responsibilities.

9 (5) Contributions for a separate segregated fund established  
10 under this section by a domestic dependent sovereign may be  
11 solicited from an individual who is a member of any domestic  
12 dependent sovereign.

13 (6) Contributions must not be obtained for a separate  
14 segregated fund established under this section by use of coercion  
15 or physical force, by making a contribution a condition of  
16 employment or membership, or by using or threatening to use job  
17 discrimination or financial reprisals. ~~A connected organization~~  
18 ~~shall not solicit or obtain contributions for a separate segregated~~  
19 ~~fund established under this section from an individual described in~~  
20 ~~subsection (2), (3), (4), or (5) on an automatic or passive basis~~  
21 ~~including but not limited to a payroll deduction plan or reverse~~  
22 ~~checkoff method.~~ A connected organization may solicit or obtain  
23 contributions for a separate segregated fund established under this  
24 section from an individual described in subsection (2), (3), (4),  
25 or (5) on an automatic basis, including, but not limited to, a  
26 payroll deduction plan, only if the individual who is contributing  
27 to the fund affirmatively consents to the contribution. Affirmative  
28 consent does not expire until revoked by the individual who  
29 provided the affirmative consent.

1           (7) A contribution by an individual to a separate segregated  
2 fund may be collected by or made payable first to a connected  
3 organization of the separate segregated fund, for subsequent  
4 transfer to the separate segregated fund if all of the following  
5 occur:

6           (a) For contributions that are aggregated with dues or other  
7 payments, the individual making the contribution does either of the  
8 following:

9           (i) Specifically indicates in a record or electronic record  
10 that the amount collected, or a specified portion of the total  
11 amount if remitted as part of a dues or other payment to the  
12 connected organization, is a contribution to the separate  
13 segregated fund.

14           (ii) Fails to return a record or electronic record described in  
15 subparagraph (i), but remits payment to the connected organization  
16 in response to a specifically requested amount that includes a  
17 solicited contribution, the solicitation for a contribution was  
18 clearly distinguishable from any dues or other fees requested as  
19 part of the total, and the connected organization maintains a  
20 record or electronic record of the solicitation that includes the  
21 amount of the solicited contribution and the amount of any dues or  
22 other fees charged in conjunction with the solicitation for each  
23 contributor.

24           (b) The connected organization transfers the entire specified  
25 amount of any contribution, individually or aggregated with other  
26 contributions, for deposit to the separate segregated fund  
27 electronically or by written instrument.

28           (c) The connected organization reports all information  
29 required under section 26 for each individual contributor, and a

1 transfer of contributions for deposit to the separate segregated  
2 fund by a connected organization described in subsection (12) (a) (ii)  
3 must be accompanied by or logically associated with a record or  
4 electronic record that sets forth all required information for each  
5 individual whose contribution is transferred.

6 (d) The connected organization and the separate segregated  
7 fund have a written policy governing the handling, accounting, and  
8 transfer of any contribution under this subsection.

9 (e) In connection with an investigation or hearing under  
10 section 15 regarding any contributions under this subsection, the  
11 connected organization voluntarily agrees to make available to the  
12 secretary of state any records described in subdivisions (a) to (d)  
13 and provides those records at the request of the secretary of  
14 state.

15 (8) In addition to any other expenditures or disbursements  
16 allowed under subsection (1), a connected organization may make an  
17 in-kind contribution to pay costs for a prize, or 1 or more items  
18 to be sold or offered in exchange for a contribution, as part of  
19 fundraising activities for the separate segregated fund. Any in-  
20 kind contribution for payment of costs by the connected  
21 organization for a prize or per individual item to be sold or  
22 offered in exchange for a contribution must not be  
23 disproportionately valuable related to the amount raised by that  
24 prize or the amount to be raised or contributed per individual item  
25 sold or offered. It is not a violation of this subsection if the  
26 connected organization makes an in-kind contribution for a payment  
27 of costs under this subsection that is disproportionately valuable  
28 and the separate segregated fund reimburses at least the  
29 impermissible portion to the connected organization within 60 days

1 of the payment, or as directed by the secretary of state under  
2 section 15. An in-kind contribution for a payment of costs under  
3 this subsection is disproportionately valuable unless both of the  
4 following apply:

5 (a) The in-kind contribution is equal to or less than \$5.00  
6 per prize or per individual item to be sold or offered in exchange  
7 for a contribution.

8 (b) The in-kind contribution is equal to or less than 10% of  
9 the total amount raised by the prize, or if the payment of costs  
10 per item sold or offered in exchange for a contribution is equal to  
11 or less than 10% of the amount to be raised per individual item  
12 sold or offered.

13 (9) Except as otherwise provided in subsections (8) and (11),  
14 a person ~~who~~ **that** knowingly violates this section is guilty of a  
15 felony punishable, if the person is an individual, by ~~a fine of not~~  
16 ~~more than \$5,000.00 or imprisonment for not more than 3 years~~ **or a**  
17 **fine of not more than \$5,000.00**, or both, or, if the person is not  
18 an individual, by a fine of not more than \$10,000.00.

19 (10) If a connected organization that obtains contributions  
20 for a separate segregated fund from individuals described in  
21 subsection (2), (3), (4), or (5) pays to 1 or more of those  
22 individuals a bonus or other remuneration for the purpose of  
23 reimbursing those contributions, then that connected organization  
24 is subject to a civil fine of not more than 2 times the total  
25 contributions obtained from all individuals for the separate  
26 segregated fund during that calendar year.

27 (11) If a violation of this section results solely from the  
28 failure of a connected organization to transfer 1 or more  
29 contributions, that connected organization is not guilty of a

1 felony as described in subsection (9), but shall notify the  
2 contributor of the failure to transfer the contribution and refund  
3 the full amount of the contribution to the contributor if  
4 requested. The penalties described in subsection (9) apply to any  
5 other violation of this section, including use or diversion of any  
6 contributions by a connected organization before those  
7 contributions are transferred to the separate segregated fund under  
8 subsection (7).

9 (12) As used in this section:

10 (a) "Connected organization" means either of the following:

11 (i) A corporation organized on a for-profit or nonprofit basis,  
12 a joint stock company, a domestic dependent sovereign, or a labor  
13 organization formed under the laws of this or another state or  
14 foreign country.

15 (ii) A member of any entity under subparagraph (i) that is not  
16 an individual and that does not maintain its own separate  
17 segregated fund, unless its separate segregated fund and the  
18 separate segregated fund of the entity of which it is a member are  
19 treated as a single independent committee as provided in section  
20 52(10).

21 (b) "Record" and "electronic record" mean those terms as  
22 defined in section 2 of the uniform electronic transactions act,  
23 2000 PA 305, MCL 450.832.

24 (c) "Written instrument" means a money order, or a check,  
25 cashier's check, or other negotiable instrument, as those terms are  
26 defined in section 3104 of the uniform commercial code, 1962 PA  
27 174, MCL 440.3104, in the name of the connected organization and  
28 payable to the separate segregated fund.

29 Sec. 57. (1) A public body or a person acting for a public

1 body shall not use or authorize the use of funds, personnel, office  
2 space, computer hardware or software, property, stationery,  
3 postage, vehicles, equipment, supplies, or other public resources  
4 to make a contribution or expenditure or provide volunteer personal  
5 services that are excluded from the definition of contribution  
6 under section 4(3)(a). ~~The prohibition under this subsection~~  
7 ~~includes, but is not limited to, using or authorizing the use of~~  
8 ~~public resources to establish or administer a payroll deduction~~  
9 ~~plan to directly or indirectly collect or deliver a contribution~~  
10 ~~to, or make an expenditure for, a committee. Advance payment or~~  
11 ~~reimbursement to a public body does not cure a use of public~~  
12 ~~resources otherwise prohibited by this subsection.~~ This subsection  
13 does not apply to any of the following:

14 (a) The expression of views by an elected or appointed public  
15 official who has policy making responsibilities.

16 (b) Subject to subsection ~~(3)~~, **(2)**, the production or  
17 dissemination of factual information concerning issues relevant to  
18 the function of the public body.

19 (c) The production or dissemination of debates, interviews,  
20 commentary, or information by a broadcasting station, newspaper,  
21 magazine, or other periodical or publication in the regular course  
22 of broadcasting or publication.

23 (d) The use of a public facility owned or leased by, or on  
24 behalf of, a public body if any candidate or committee has an equal  
25 opportunity to use the public facility.

26 (e) The use of a public facility owned or leased by, or on  
27 behalf of, a public body if that facility is primarily used as a  
28 family dwelling and is not used to conduct a fund-raising event.

29 (f) An elected or appointed public official or an employee of

1 a public body who, when not acting for a public body but is on his  
2 ~~or her own~~ **the public official's or employee's** personal time, is  
3 expressing ~~his or her own~~ **the public official's or employee's**  
4 personal views, is expending ~~his or her own~~ **the public official's**  
5 **or employee's** personal funds, or is providing ~~his or her own~~ **the**  
6 **public official's or employee's** personal volunteer services.

7 (g) **If an individual who is contributing to a separate**  
8 **segregated fund affirmatively consents to the contribution, the use**  
9 **of public resources to establish and administer a payroll deduction**  
10 **plan to directly or indirectly collect a contribution to, or make**  
11 **an expenditure for, a committee. Affirmative consent does not**  
12 **expire until revoked by the individual who provides the affirmative**  
13 **consent.**

14 ~~(2) If the secretary of state has dismissed a complaint filed~~  
15 ~~under section 15(5) alleging that a public body or person acting~~  
16 ~~for a public body used or authorized the use of public resources to~~  
17 ~~establish or administer a payroll deduction plan to collect or~~  
18 ~~deliver a contribution to, or make an expenditure for, a committee~~  
19 ~~in violation of this section, or if the secretary of state enters~~  
20 ~~into a conciliation agreement under section 15(10) that does not~~  
21 ~~prevent a public body or a person acting for a public body to use~~  
22 ~~or authorize the use of public resources to establish or administer~~  
23 ~~a payroll deduction plan to collect or deliver a contribution to,~~  
24 ~~or make an expenditure for, a committee in violation of this~~  
25 ~~section, the following apply:~~

26 ~~(a) The complainant or any other person who resides, or has a~~  
27 ~~place of business, in the jurisdiction where the use or~~  
28 ~~authorization of the use of public resources occurred may bring a~~  
29 ~~civil action against the public body or person acting for the~~



1 ~~public body to seek declaratory, injunctive, mandamus, or other~~  
2 ~~equitable relief and to recover losses that a public body suffers~~  
3 ~~from the violation of this section.~~

4 ~~(b) If the complainant or any other person who resides, or has~~  
5 ~~a place of business, in the jurisdiction where the use or~~  
6 ~~authorization of the use of public resources occurred prevails in~~  
7 ~~an action initiated under this subsection, a court shall award the~~  
8 ~~complainant or any other person necessary expenses, costs, and~~  
9 ~~reasonable attorney fees.~~

10 ~~(c) Any amount awarded or equitable relief granted by a court~~  
11 ~~under this subsection may be awarded or granted against the public~~  
12 ~~body or an individual acting for the public body, or both, that~~  
13 ~~violates this section, as determined by the court.~~

14 ~~(d) A complainant or any other person who resides, or has a~~  
15 ~~place of business, in the jurisdiction where the use or~~  
16 ~~authorization of the use of public resources occurred may bring a~~  
17 ~~civil action under this subsection in any county in which venue is~~  
18 ~~proper. Process issued by a court in which an action is filed under~~  
19 ~~this subsection may be served anywhere in this state.~~

20 ~~(2) (3)~~ Except for an election official in the performance of  
21 ~~his or her~~ **the election official's** duties under the Michigan  
22 election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or  
23 a person acting for a public body, shall not, during the period 60  
24 days before an election in which a local ballot question appears on  
25 a ballot, use public funds or resources for a communication by  
26 means of radio, television, mass mailing, or prerecorded telephone  
27 message if that communication references a local ballot question  
28 and is targeted to the relevant electorate where the local ballot  
29 question appears on the ballot.

1           **(3)** ~~(4)~~ A person ~~who~~ **that** knowingly violates this section is  
2 guilty of a misdemeanor punishable, if the person is an individual,  
3 by ~~a fine of not more than \$1,000.00 or imprisonment for not more~~  
4 than 1 year **or a fine of not more than \$1,000.00**, or both, or if  
5 the person is not an individual, by 1 of the following, whichever  
6 is greater:

7           (a) A fine of not more than \$20,000.00.

8           (b) A fine equal to the amount of the improper contribution or  
9 expenditure.